MINUTES OF MEETING OF THE INDUSTRIAL COMMISSION OF ARIZONA

Telephonic Meeting Held at 800 West Washington Street Phoenix, Arizona 85007 Thursday, June 24, 2021 - 1:00 p.m.

Present: Dale L. Schultz

Chairman (Telephonic)

Joseph M. Hennelly, Jr.

Vice Chair (Telephonic)

Steven J. Krenzel

Commissioner (Telephonic)

James Ashley

Director (Telephonic)

Gaetano Testini

Chief Legal Counsel (Telephonic)

Renee Pastor Jessie Atencio Self Insurance (Telephonic) ADOSH Director (Telephonic)

Steven Black

ADOSH Compliance Officer (Telephonic)

Anna Maria Stonerock

ADOSH Admin (Telephonic)

Kara Dimas

Commission Secretary (Telephonic)

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance on the telephone, confirmed by roll call were Katherine Calloway (Central Arizona Water Conservation District dba Central Arizona Project).

Approval of Minutes of June 17, 2021 Regular Meeting Minutes.

Commissioner Krenzel moved to approve the Minutes of the June 17, 2021 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Consent Agenda:

All items following under this agenda item are consent matters and will be considered by a single motion with no discussion unless a Commissioner asks to remove an item on the consent agenda to be discussed and voted on separately. The Commission may move into Executive Session under A.R.S. § 38-431.03(A)(2) to discuss records exempt by law from public inspection. Legal action involving a final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

a. Approval of Requests for Renewal of Self-Insurance Authority.

- 1. Central Arizona Water Conservation District dba Central Arizona Project (CAP)
- 2. HonorHealth
- 3. YRC, Inc.

Chairman Schultz commended CAP and HonorHealth on their low experience modification factors. Commissioner Krenzel moved to approve the items on the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Chairman Schultz discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

T & K Feeds, Inc.

Referral

42330 W Hwy 84

Years in Business:

Empl. Covered by Inspection:

30 6

Maricopa, AZ 85139

731 N Smith Rd

Maricopa, AZ 85138

Inspection No:

Site Location:

T3633 - 1527515

Inspection Date:

4/27/2021

<u>SERIOUS</u> – Citation 1 - Item 1 –

a) 731 N Smith Rd, Maricopa, AZ: An employee operated a JC Bamford Excavators LTD brand telehandler, model #550 and serial #0949, without training. 29 CFR 1910.178(l)(1)(i) Div. Proposal - \$2,500.00 Formula Amt. - \$2,500.00

SERIOUS - Citation 1 - Item 2a -

a) 731 N Smith Rd, Maricopa, AZ: A JC Bamford Excavators LTD brand telehandler, model #550 and serial #0949, used a man basket without the manufacturer's approval. 29 CFR 1910.178(a)(4)

Div. Proposal - \$2,500.00

Formula Amt. - \$2,500.00

SERIOUS – Citation 1 - Item 2b –

a) 731 N Smith Rd, Maricopa, AZ: An employee used an AJC Bamford Excavators LTD brand telehandler, model #550 and serial #0949, with a man basket that was not attached to the lifting carriage. 29 CFR 1910.178(o)(1)

Div. Proposal - \$0.00

Formula Amt. - \$2,500.00

SERIOUS – Citation 1 - Item 3 –

- a) 731 N Smith Rd, Maricopa, AZ: A JC Bamford Excavators LTD brand telehandler, model #550 and serial #0949, had a hydraulic leak on the main cylinder for extending the forks, and it was not taken out of service.
- b) 731 N Smith Rd, Maricopa, AZ: AJC Bamford Excavators LTD brand telehandler, model #550 and serial #0949, had a damaged seat, and it was not taken out of service. 29 CFR 1910.178(p)(1)

Div. Proposal - \$2,500.00

Formula Amt. - \$2,500.00

TOTAL PENALTY - \$7,500.00

TOTAL FORMULA AMT. - \$10,000.00

Mr. Atencio discussed ADOSH's investigation, summarized the citation and proposed penalties, and reviewed the photographs. Compliance Officer Black was also available for questions.

Chairman Schultz checked if anyone on the phone would like to comment.

Commissioner Krenzel moved to approve the citation and proposed penalties as presented and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley updated the Commissioners with the AMS scorecard metrics for the fiscal year-to-date with the Labor Division's 13 metrics: the number of Inbound Electronic Documents; percentage of Claimants Selecting E-mail; percentage of Forms Submitted via Webform; Earned Paid Sick Time Claims Closed and Processing Time; Earned Paid Sick Time Retaliation Processing Time; Minimum Wage Claims Closed and Processing Time; Retaliation Claims Closed; Wage Claims Closed and Processing Time; Youth Labor Claims Closed and Processing Time.

Chairman Schultz commented on the amazing progress which reflects the focus on process improvement.

Ms. Dimas confirmed Commission meeting dates through August 2021.

Public Comment.

ATTEST:

There was no other public comment.

Commissioner Krenzel moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 1:40 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

Kara Dimas, Commission Secretary